THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.8649 of 2003

ORDER:

This writ petition has been filed seeking writ of *Mandamus* declaring the action of the respondents in not conducting elections to the District Fishermen Co-operative Society, Nalgonda as bad, arbitrary and contrary to the spirit of the Co-operative movement and consequently direct the respondents to conduct elections without enrolling new members as per the judgment of Supreme Court reported in 2000(6) SCC at page 127.

It is the case of the petitioner that the Fishermen Co-operative Society, Gardepalli, is a registered Society under A.P. Co-operative Societies Act 1964 (for short 'the Act') with Registration No.QFC46/81. The Society exists with 251 members. From the inception of the Society, the Society is running smoothly without any allegations either from the members of the Society or from outsiders. Further, this Society is a member of District Fishermen Co-operative Society, Nalgonda. Hence, this Society has interest/right on the District Fishermen Co-operative Society. Primary, District and Apex Societies are formed and registered to promote, develop and expand the fishing industry on modern and improved methods to increase production and marketing fish on industrial and commercial lines. It is submitted that the District Fishermen Co-operative Society consisting of 199 Primary Fishermen Co-operative Societies as members of the Society,
in other words 199 primary Societies are affiliated to the District Fishermen Co-operative Society, Nalgonda. The Managing Committee of the District Society consists of 11 Members i.e.,
one President, one Vice President and 9 Directors.

Election was conducted to the District Society in the year 1997 and the period of 5 years expired by 19-12-2002. The District Fishermen Co-operative Society extended its services to all the Societies including the petitioner's Society. As per the procedure contemplated under the Act, elections have to be conducted to the District Fishermen Co-operative Society before the period to be expired but no elections were conducted to the District Society. Therefore, the petitioner approached this Court.

This Court while issuing "Rule Nisi" on 02-05-2003 in WPMP. No.11158 of 2003, passed interim direction directing the

4th respondent not to enroll the new members to the District Fishermen Co-operative Society, Nalgonda till conducting the elections as per the principles laid down by the Supreme Court.

In response to the averments made in the affidavit, counter has been filed by the Deputy Director of Fisheries, Nalgonda stating that in view of the interim direction dated 02-05-2003,

the 3rd respondent directed the person-in-charge to take steps to conduct elections. Accordingly, he initiated the action but as there was no money to conduct elections, the person-in-charge convened two General Body Meetings on 10-06-2004 and 10-12-2004.

Since no quorum was available in the 1st General Body Meeting,

2nd General Body Meeting was held and it has been unanimously decided to conduct Secret Ballot Election by collecting funds from the members of the societies. As soon as necessary amount is procured from the members of the societies, elections to the District Fishermen Co-operative Society, Nalgonda, would be conducted as per the Act.

In view of the averments made in the affidavit and counter affidavit and pursuant to the interim direction granted by this Court,

action has already been initiated to conduct elections. Therefore, I am of the opinion to dispose of the petition directing the respondents to conduct elections in accordance with law, if not already conducted.

The writ petition is disposed of. No order as to costs.

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JUSTICE G. CHANDRAIAH

Date: 12-07-2006
LSK